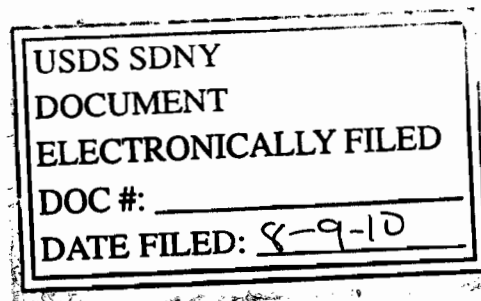
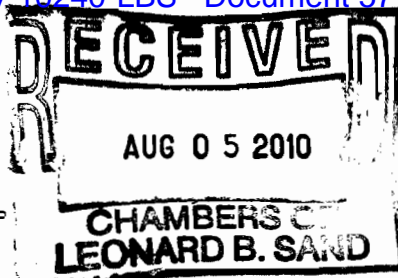




Fox Rothschild LLP
ATTORNEYS AT LAW

100 Park Avenue, Suite 1500
New York, NY 10017
Tel 212.878.7900 Fax 212.692.0940
www.foxrothschild.com
Seth M. Kaplan
Direct Dial: (212) 878-7916
Email Address: skaplan@foxrothschild.com



August 5, 2010

VIA FACSIMILE (BY PERMISSION) (212-805-7919)

Hon. Leonard B. Sand.
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Spicer et. al. v. Pier Sixty, LLC, et. al. – Case No. 08-Civ-10240

Dear Judge Sand:

We represent defendants Pier Sixty, LLC and James Kirsch (collectively, the “Defendants”) in the above-referenced action. With Plaintiffs’ consent, and pursuant to the Court’s July 26, 2010 order (“Order”), the parties jointly propose the following schedule for further proceedings in this action. As indicated below and as the parties have discussed, Defendants anticipate filing a motion for reconsideration regarding the Order, but the parties shall proceed with the class notice in the interim.

August 17, 2010 – Deadline for parties to either submit a class/collective action notice for the Court’s approval or, alternatively, to advise the Court whether briefing is necessary regarding the notice.

August 20, 2010 – Deadline for Defendants to file a motion for reconsideration.

August 27, 2010 – Deadline for Defendants to provide Plaintiffs’ counsel with the putative class members’ contact information.

September 21, 2010 – Deadline for Plaintiffs’ opposition papers to Defendants’ motion for reconsideration.

MEMO ENDORSED

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October 5, 2010 – Deadline for Defendants' reply papers in support of their motion for reconsideration.

January 7, 2011 – Deadline for parties to complete discovery relating to damages.

Please advise if this jointly proposed schedule meets with the Court's approval. The parties appreciate the Court's consideration of this matter.

Sincerely,

FOX ROTHSCHILD LLP

Carolyn D. Richmond
Seth M. Kaplan

cc: Maimon Kirschenbaum, Esq., Counsel for Plaintiffs (via e-mail)

So modified

8/9/10